S.B. CR.MISC.BAIL APPL.NO.7434/2007.

Rajesh alias Rajendra and anr.
Vs.
State

Date of order : 6/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Sudarshan Laddha for the petitioners.
Shri Ashwini Sharma PP for the State.

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Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners has argued that allegation against the petitioners is of causing injury on the head of injured Hemraj owing to which, challan against them was filed for offences u/S.308 and 323/34 IPC. When injured Hemraj was subjected to x-ray examination to determine the nature of injury, he was not found to have sustained any fracture. Other injured Nand Bihari has also only sustained two injuries, both of which are simple in nature. Petitioners were arrested on 9/10/2007 and since then they are in jail. Further detention of the petitioners is no longer required for any purpose of investigation. No previous criminal case for any offence whatever was ever registered against the petitioners. Investigation in the matter is almost complete. Further detention of the petitioners is no

longer required for any purpose. Trial of the case will take long.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioners on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioners Rajesh alias Rajendra S/o Ramkishan and Jagannath S/o Ramkishan shall be released on bail in F.I.R. No.293/2007 P.S. K.Patan, District Bundi for offences under Sections 308 and 323/34 IPC subject to each of them furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

anil/-